

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.	)	No.
	)	Violations: Title 18, United
GLEN JOFFE,	)	States Code, Sections 371,
CLAUDIA ASHLEIGH-MORGAN, and	)	542, 545, 1001; Title 16,
PRIMITIVE ART WORKS	)	United States Code, Sections
	)	703, 707(a), 707(b),
	)	1538(a)(1)(A), 1538(a)(1)(F)
	)	and 1538(c)(1); and Title 31,
	)	United States Code, Section
	)	5234(a)(3)

COUNT ONE

The SPECIAL FEBRUARY 2005-1 GRAND JURY charges:

Wildlife Protection Laws

1. At times material to the indictment:

a. There were in effect federal laws and regulations for the protection of wildlife and migratory birds, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, T.I.A.S. 8249 ("CITES"), the Endangered Species Act ("the ESA"); Title 16, United States Code, Section 1531 et seq.; the Migratory Bird Treaty Act (the "MBTA"), Title 16, United States Code, Section 703 et seq.; and Title 50, Code of Federal Regulations, Sections 10, 14, 17, 21 and 23.

b. The term "wildlife" was defined in Title 16, United States Code, Section 1532(8) to include any member of the animal kingdom, including any mammal, bird, and reptile, whether alive or dead, including any part or product thereof.

c. The United States, Indonesia, the Philippines,

Malaysia, India, Africa, Brazil, China, Thailand, and Nepal, among numerous other countries, are signatories to an International treaty known as the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES").

d. Under CITES, species are protected according to a classification system known as "appendices." Wildlife species listed on Appendix I of CITES are those threatened with extinction, trade in which must be subject to particularly strict regulation and only authorized in exceptional circumstances. Wildlife species listed on Appendix II of CITES are those not necessarily now threatened with extinction, but which may become so unless trade in them is strictly regulated in order to avoid utilization incompatible with their survival. CITES, Article II(1 and 2). As used in CITES, the term "trade" includes "import, export, and re-export" and includes importation into and exportation from the United States. CITES, Article I(c).

e. The Endangered Species Act implements the provisions of CITES by making it unlawful ". . .to trade in any specimen contrary to the provisions of [CITES], or to possess any specimen traded contrary to the provisions of [CITES]..." Title 16, United States Code, Section 1538(c)(1). The term "trade," as used in CITES, includes importation into the United States. Article I(c). Second, the Endangered Species Act prohibits the importation of species listed as "endangered" pursuant to Title 16, United States Code, Section 1538(a)(1)(A). A list of endangered species is published at Title 50, Code of Federal

Regulations, Section 17.11. Some species are listed both within CITES Appendix I and on the U.S. list of endangered species.

f. Under the ESA, it was unlawful, without a permit issued by the United States Fish and Wildlife Service ("USFWS"), to deliver, receive, carry, transport, and ship in interstate or foreign commerce, any wildlife listed as "endangered" under the ESA, and any part or product of said wildlife, in the course of a commercial activity.

g. Under the ESA, it was unlawful, without a permit issued by USFWS, to sell and offer for sale in interstate commerce, any wildlife listed as "endangered" under the ESA, and any part or product of said wildlife.

h. The United States Department of the Interior, Fish and Wildlife Service, is designated by Congress pursuant to the Endangered Species Act as the CITES enforcement authority within the United States. The USFWS publishes regulations to implement CITES. All species protected by CITES are listed in USFWS regulations, which are set forth in Title 16, United States Code, Section 1537(a) and Title 50, Code of Federal Regulations, Section 23.23.

i. The nations which are members of CITES have agreed to monitor and regulate trade in Appendix I and II species by prohibiting their international trade unless certain permits are first obtained and presented. CITES, Articles III and IV. In the United States, regulations implementing CITES are found in Title 50, Code of Federal Regulations, Part 23. For species

listed on Appendix I, the regulations require that a valid "foreign export permit" issued by the specimen's country of origin, or a valid "foreign re-export certificate" issued by the country of re-export, as well as a valid "import permit" from the USFWS, be obtained prior to importing any such wildlife into the United States. Title 50, Code of Federal Regulations, Section 23.12(a)(1)(i). For species listed on Appendix II, the regulations require that a valid "foreign export permit" issued by the specimen's country of origin, or a valid "foreign re-export certificate" issued by the country of re-export, be obtained prior to importing any such wildlife into the United States. Title 50, Code of Federal Regulations, Section 23.12(a)(2)(i).

j. Federal law also requires that, upon the importation of any wildlife, importers or their agents file with the USFWS a completed Declaration for Importation or Exportation of Fish and Wildlife. Title 50, Code of Federal Regulations, Section 14.61. Federal law also requires that a USFWS or United States Customs Service officer clear all wildlife imported into the United States, and that the importer or his agent make available to the officer the wildlife being imported, as well as all required permits, licenses or other documents. Title 50, Code of Federal Regulations, Section 14.52.

k. Antique articles which are made from specimens prohibited from trade or possession under Title 50, Code of Federal Regulations, Sections 17.11 and 17.12, may only be

imported in the United States if (1) those specimens were declared upon importation by filing a completed Declaration for Importation or Exportation of Fish and Wildlife, and (2) those specimens are at least 100 years old. The importer or his agent declaring such a specimen upon importation bears the burden of proving the age of the specimen. Title 50, Code of Federal Regulations, Section 14.22 and 14.61.

l. The smuggling statute, Title 18 United States Code, Section 545, makes it unlawful to knowingly import or bring into the United States any merchandise, including wildlife contrary to law, or to receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law.

m. The following animals were listed as protected either under CITES, the ESA, (or both) and Title 50, Code of Federal Regulations, Sections 17.11 and/or 23.23: elephant (Elephantidae); hippopotamus (Hippopotamus amphibius); Hawksbill sea turtle (Eretmochelys imbricata); Olive Ridley sea turtle (Lepidochelys olivacea); Green sea turtle (Chelonia mydas); musk deer (Moschus species); leopard (Panthera pardus); tiger (Panthera tigris); Lion (Panthera leo and/or Panthera leo persica); jaguar (Panthera onca); crocodile (Crocodylus); Scarlet macaw (Ara macao); Hyacinth macaw (Anodorhynchus hyacinthinus); Blue-and-Yellow macaw (Ara ararauna); Red-and-Green macaw (Ara chloroptera); Crested Caracara (Caracara plancus); Oranged-Winged

parrot (*Amazona amazonica*); Jabiru (*Jabiru mycteria*); Wood stork (*Mycteria americana*) and Harpy eagle (*Harpia harpyja*).

n. At no time did any of the named defendants, GLEN JOFFE, CLAUDIA ASHLEIGH-MORGAN or PRIMITIVE ART WORKS, present to the U.S. Fish and Wildlife Service any valid CITES import permits, any valid CITES foreign export permits or any valid CITES foreign re-export certificates to import any of the species of wildlife listed in subparagraph m, *supra*, into the United States.

o. At no time did any of the named defendants, GLEN JOFFE, CLAUDIA ASHLEIGH-MORGAN or PRIMITIVE ART WORKS, file any completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) with the U.S. Fish and Wildlife Service to obtain clearance for the importation of any of the species of wildlife listed in subparagraph m, *infra*, into the United States.

p. Under the Migratory Bird Treaty Act, Title 16, United States Code, Sections 703 et seq., it was unlawful, without a permit, to possess, sell and offer for sale, export, import, or cause to be exported or imported, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or eggs.

q. The following birds were listed as migratory birds protected by the MBTA and 50 Code of Federal Regulations, Section 10.13: Crested Caracara (*Caracara Plancus*); Roseate Spoonbill

(Platalea Ajaja); Jabiru (Jabiru mcysteria); Great Egret (Ardea Alaba); Wood Stork (Mycteria Americana); Snowy Egret (Egretta Thula); and Cattle Egret (Bubulcus Ibis).

r. At no time material to this indictment did any of the named defendants, GLEN JOFFE, CLAUDIA ASHLEIGH-MORGAN, or PRIMITIVE ART WORKS, obtain or possess any USFWS permit allowing the taking, sale, transport, purchase, receipt, acquisition, or possession of any migratory bird or parts thereof.

s. The Bureau of Customs and Border Protection (Customs) was part of the United States Department of Homeland Security, and was responsible for enforcing immigration and customs laws at United States borders and official ports of entry, such as international airports.

Individuals and Entities

2. At times material to this indictment:

a. Defendant GLEN JOFFE was a resident of Oak Brook, Illinois, who purchased items made from wildlife and migratory birds, or parts thereof, during trips to Africa, Asia, South America, and elsewhere; transported said wildlife and migratory birds, and caused others to transport said wildlife and migratory birds; sold and offered for sale said wildlife and migratory birds for profit; and possessed said wildlife and migratory birds, at his residence in Oak Brook, Illinois.

b. Defendant CLAUDIA ASHLEIGH-MORGAN, resided with defendant GLEN JOFFE in Oak Brook, Illinois, and assisted

defendant GLEN JOFFE in the purchase, transportation, sale for profit, and possession of said wildlife and migratory birds, or parts thereof.

c. Defendant PRIMITIVE ART WORKS was a corporation which had a retail store located at 706 North Wells Street, in Chicago, Illinois. Defendant PRIMITIVE ART WORKS held itself out as being in the business of the sale of furniture, jewelry, and artifacts. A substantial portion of defendant PRIMITIVE ART WORKS' artifacts sales consisted of items made from wildlife and migratory birds. Defendant PRIMITIVE ART WORKS conducted its business throughout the country and abroad. Defendant PRIMITIVE ART WORKS was owned and operated by defendant GLEN JOFFE. Defendant PRIMITIVE ART WORKS also maintained a warehouse at 1200 West 35th Street in Chicago, Illinois.

d. On or about March 12, 2002, defendant GLEN JOFFE applied for a USFWS import/export license at the USFWS Regional Office located in Fort Snelling, Minnesota. In that application, defendant GLEN JOFFE affirmed that he had read and was familiar with the USFWS regulations for importing fish and wildlife products into the United States.

The Conspiracy

3. Beginning no later than April 2001, and continuing through at least on or about April 24, 2003, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere:

GLEN JOFFE, and
CLAUDIA ASHLEIGH-MORGAN,

defendants herein, did conspire with each other, and with others known and unknown to the Grand Jury, to fraudulently and knowingly import and bring into the United States merchandise contrary to the laws of the United States, to wit, items composed in part of wildlife and migratory birds, and parts thereof, and to receive, conceal, buy, sell and facilitate the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law, in violation of Title 18, United States Code, Section 545.

4. It was part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN traveled abroad to Asia, Africa, South America, and elsewhere, for the purpose of purchasing items made from wildlife.

5. It was further part of the conspiracy that defendant GLEN JOFFE obtained from his bank cash and traveler's checks in amounts just under \$10,000 prior to his trips abroad, for the purpose of avoiding any cash transaction reporting requirements. Defendant GLEN JOFFE then brought that cash with him during his trips abroad to fund, among other things, his purchases of items made from wildlife.

6. It was further part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN knowingly failed to obtain or possess any CITES or ESA permits allowing the taking, sale,

transport, purchase, receipt, acquisition, or possession of any wildlife listed as protected or endangered species.

7. It was further part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN knowingly failed to obtain or possess any USFWS permit allowing the taking, sale, transport, purchase, receipt, acquisition, or possession of any migratory bird protected by the Migratory Bird Treaty Act.

8. It was further part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN personally brought into the United States items made from wildlife without declaring such items to Customs, and falsely stating on Customs forms that they were not carrying any items made from wildlife.

9. It was further part of the conspiracy that defendant GLEN JOFFE imported items made from wildlife and migratory birds through brokerage companies without declaring such items to Customs.

10. It was further part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN caused to be created false and misleading brokerage company manifests for his shipments of items made from wildlife and migratory birds, which manifests failed to identify the merchandise contained in the shipments reported by defendants GLEN JOFFE, CLAUDIA ASHLEIGH-MORGAN, and PRIMITIVE ART WORKS.

11. It was further part of the conspiracy that defendant GLEN JOFFE purchased feathered items made from migratory birds

from individuals in France, Brazil and Bolivia, and caused those items to be imported into the United States.

12. It was further part of the conspiracy that defendants GLEN JOFFE and PRIMITIVE ART WORKS, possessed and offered for sale items made from wildlife and migratory birds, which items were imported into the United States without having been declared to USFWS and Customs, priced at no less than \$250,000.

13. It was further part of the conspiracy that defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN possessed items made from wildlife and migratory birds, which items were displayed at their residence in Oak Brook, Illinois.

Overt Acts

14. In furtherance of the conspiracy and to effect the unlawful objects of the conspiracy, the defendants and their co-conspirators committed the following overt acts, among others, in Chicago, Illinois, and elsewhere inside and outside of the Northern District of Illinois:

a. On or about April 2001, defendant CLAUDIA ASHLEIGH-MORGAN sent a letter to Andy LNU in China, who was responsible for packing certain items for shipment, instructing Andy LNU to not list ivory on the manifest.

b. On or about April 29, 2001, defendant CLAUDIA ASHLEIGH-MORGAN sent a facsimile from her hotel in Thailand to GLEN JOFFE at Primitive Art Works Gallery, Chicago, Illinois, asking the following: "I need direction on what to hand carry +

what to cargo. Is small ivory to stuff into container? (We have pieces from China)."

c. On or about April 29, 2001, defendants GLEN JOFFE and CLAUDIA ASHELIGH-MORGAN imported into the United States from Thailand a musk deer tooth (moskus species), priced at \$325.

d. On or about June 1, defendant GLEN JOFFE imported sixteen feathered hairpins made from the feathers of a kingfisher or roller (Coraciiformes), each identified by Primitive Art Works inventory number A010612 and each priced at \$695.

e. On or about August 27, 2001, defendant GLEN JOFFE imported into the United States from China three ivory "chaou bans" made from elephant (Elephantidae) and identified by Primitive Art Works inventory numbers A010827002 through A0101827004 and each priced at \$3,495.

f. On or about January 2, 2002, defendant GLEN JOFFE imported into the United States from China an ivory carving referred to as a "doctors lady" (Elephantidae) identified by Primitive Art Works inventory number A020102-114 and priced at \$7,900.

g. On or about April 23, 2003, defendant GLEN JOFFE and PRIMITIVE ART WORKS offered for sale numerous items composed, in part, of wildlife, including: elephant (Elephantidae); hippopotamus (Hippopotamus amphibius); Hawksbill sea turtle (Eretmochelys imbricata); Olive Ridley sea turtle (Lepidochelys olivacea); Green sea turtle (Chelonia mydas); leopard (Panthera

pardus); tiger (*Panthera tigris*); Lion (*panthera leo* and/or *panthera leo persica*); jaguar (*Panthera onca*); crocodile (*Crocodylus*); Scarlet macaw (*Ara macao*); Hyacinth macaw (*Anodorhynchus hyacinthinus*); Blue-and-Yellow macaw (*Ara ararauna*); Red-and-Green macaw (*Ara chloroptera*); Crested Caracara (*Caracara plancus*); Oranged-Winged parrot (*Amazona amazonica*); Jabiru (*Jabiru mycteria*); Wood stork (*Mycteria americana*) and Harpy eagle (*Harpia harpyja*).

h. On or about April 21, 2003, defendant CLAUDIA ASHLEIGH-MORGAN transported into the United States a comb made from sea turtle (*Eretmochelys imbricata*), three ivory carvings made from the tusk of elephants (*Elephantidae*), and an ivory pendant in the shape of a mask made from the tusk of hippopotamus (*Hippopotamus amphibius*).

i. On or about April 21, 2003, defendant GLEN JOFFE made false statements to Customs inspectors at O'Hare International Airport. Specifically, defendant GLEN JOFFE falsely told Customs agents that (1) certain ivory carvings items found in defendant CLAUDIA ASHLEIGH-MORGAN's luggage were made from bone; and (2) he did not sell wildlife products at defendant PRIMITIVE ART WORKS, when in truth in fact, as the defendant GLEN JOFFE then well knew, (1) the ivory carvings were made from tusks of an unspecified ivory source; and (2) he sold or offered to sell numerous products made from wildlife at defendant PRIMITIVE ART WORKS.

j. On or about April 21, 2003, defendant CLAUDIA ASHLEIGH-MORGAN made false statements to Customs inspectors at O'Hare International Airport. Specifically, defendant CLAUDIA ASHLEIGH-MORGAN falsely stated to Customs inspectors, (1) that a comb she had in her luggage was made of plastic, when in truth and fact, as the defendant then well knew, the comb was made from sea turtle (*Eretmochelys imbricata*), (2) that the ivory toggles in her luggage and ivory mask pendant she was wearing were made from bone, when in truth and fact, as the defendant then well knew, the toggles and mask pendant were made from elephant (*Elephantidae*) and hippopotamus (*Hippopotamus amphibius*), respectively, and (3) wildlife items were not sold at defendant PRIMITIVE ART WORKS, when in truth in fact, as the defendant CLAUDIA ASHLEIGH-MORGAN then well knew, GLEN JOFFE sold or offered for sale numerous items made from wildlife at defendant PRIMITIVE ART WORKS.

k. On or about April 21, 2003, defendant, CLAUDIA ASHLEIGH-MORGAN made false statements on Customs form 6059, Customs Declaration, namely, that she was not importing any animals or animal/wildlife products, when in truth and fact, as the defendant well knew, the comb and toggles contained in her luggage and the mask pendant she was wearing, were made from sea turtle (*Eretmochelys imbricata*), elephant (*Elephantidae*) and hippopotamus (*Hippopotamus amphibius*), respectively.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 24, 2003, at Chicago, within the Northern District of Illinois, Eastern Division,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, who were subject to the jurisdiction of the United States, did unlawfully sell or offer for sale in interstate commerce at the Merchandise Mart, in Chicago, Illinois, wildlife listed as "endangered" under the ESA, to wit, feathers of a Harpy Eagle (*Harpia harpyja*) and the pelt of a jaguar (*Panthera onca*), both endangered species, used along with parts of other animal species to create a "feathered crown", identified by Primitive Art Works inventory number A010613-193 and priced at \$3,995.

In violation of the Endangered Species Act, Title 16 United States Code, Section 1538(a)(1)(F).

COUNT THREE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 24, 2003, at Chicago, within the Northern District of Illinois, Eastern Division,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, who were subject to the jurisdiction of the United States, did unlawfully sell or offer for sale in interstate commerce at the Primitive Art Works Gallery, Chicago, Illinois, wildlife listed as "endangered" under the ESA, to wit,

(1) two carved ivory tusks from an elephant (Elephantidae) identified by Primitive Art Works inventory numbers A0301-168 and A0301-169, priced as a pair for \$48,000.

(2) two combs made from the scutes (shell) of a Hawksbill Seaturtle (*Eretmochelys imbricata*) identified by Primitive Art Works inventory numbers A010827-458 and A010827-459, each priced at \$695.

In violation of the Endangered Species Act, Title 16 United States Code, Section 1538(a)(1)(F).

COUNT FOUR

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about August 27, 2001, at Chicago, within the Northern District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS

defendants herein, did knowingly import and bring into the United States from China, merchandise, to wit, three (3) ivory "chaou bans" made from elephant (Elephantidae) and identified by Primitive Art Works inventory numbers A010827002 through A0101827004 and each priced at \$3,495, contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT FIVE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 29, 2001, at Chicago, within the Northern District of Illinois, and elsewhere,

CLAUDIA ASHLEIGH-MORGAN,
GLEN JOFFE, and
PRIMITIVE ART WORKS

defendants herein, did knowingly import and bring into the United States from Thailand merchandise, to wit:

- (1) a musk deer tooth (moskus species) priced at \$325;
- (2) a lion or tiger tooth (panthera leo and/or panthera persica; panthera tigris) priced at \$795; and
- (3) a leopard tooth (panthera pardus);

contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT SIX

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

In or about June, 2001, at Chicago, within the Northern
District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, did knowingly import and bring into the United
States from China merchandise, namely, an ivory carving
(elephantidae) referred to as a "carved brush pot";

contrary to law, that is contrary to the Endangered Species Act,
Title 16 United States Code, Sections 1538(a)(1)(A) and
1538(c)(1); CITES; and Title 50, Code of Federal Regulations,
Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and
23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545
and Section 2.

COUNT SEVEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about January 2, 2002, at Chicago, within the Northern District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, did knowingly import and bring into the United States from China merchandise, namely, an ivory carving referred to as a "doctors lady" (Elephantidae) identified by Primitive Art Works inventory number A020102-114 and priced at \$7,900, contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT EIGHT

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about January 27, 2002, at Chicago, within the
Northern District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, did knowingly import and bring into the United States from Argentina merchandise, namely, two carved elephant tusks (Elephantidae) identified by Primitive Art Works inventory numbers A0102500 through A0102501, contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT NINE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about May 1, 2002, at Chicago, within the Northern District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, did knowingly import and bring into the United States from Thailand merchandise, namely, two lion or tiger teeth (Panthera leo and/or Panthera persica; Panthera tigris), contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT TEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about October 1, 2002, at Chicago, within the Northern District of Illinois, and elsewhere,

GLEN JOFFE, and
PRIMITIVE ART WORKS,

defendants herein, did knowingly import and bring into the United States from China merchandise, namely, two carved ivory pendants identified as "Quan Yins" made from the teeth of hippopotamus (hippopotamus amphibius) and further identified by Primitive Art Works inventory number J021001168 and J021001169, contrary to law, that is contrary to the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52, 14.61, 17.21(b), 17.21(e), 23.11(b)(1) and 23.12(a)(1)(i);

In violation of Title 18, United States Code, Section 545 and Section 2.

COUNT ELEVEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 21, 2003, at Chicago, in the Northern District of Illinois, Eastern Division,

CLAUDIA ASHLEIGH-MORGAN,

defendant herein, did fraudulently and knowingly bring into the United States merchandise, to wit,

(1) a comb made from a Hawksbill sea turtle (*Eretmochelys imbricata*);

(2) three ivory carvings identified as toggles made from the tusk of elephants (*Elephantidae*); and

(3) an ivory pendant in the shape of a mask made from the tusks of Hippopotamus (*Hippopotamus amphibius*);

contrary to law, that is, the Endangered Species Act, Title 16 United States Code, Sections 1538(a)(1)(A) and 1538(c)(1); CITES; and Title 50, Code of Federal Regulations, Sections 14.52 and 14.61;

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT TWELVE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. On or about April 21, 2003, the defendant GLEN JOFFE arrived at O'Hare International Airport, aboard United Airlines Flight 850 originating in Beijing, China, at which point he was interviewed by inspectors of the United States Bureau of Customs and Border Protection ("Customs").

2. On or about April 21, 2003, at Chicago, in the Northern District of Illinois, Eastern Division,

GLEN JOFFE,

defendant herein, knowingly and willfully did make, and caused to be made, materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the United States Bureau of Customs and Border Protection, an agency of the executive branch of the government of the United States, specifically:

(1) the defendant GLEN JOFFE falsely stated to Customs inspectors that certain ivory carvings items found in defendant CLAUDIA ASHLEIGH-MORGAN's luggage were made from bone;

(2) the defendant GLEN JOFFE falsely stated to Customs inspectors that he did not know the difference between ivory and bone, because he did not sell such items in his gallery; and

(3) the defendant GLEN JOFFE falsely stated to inspectors that he did not sell wildlife products at defendant PRIMITIVE ART WORKS;

when in truth and fact, as the defendant GLEN JOFFE then well knew,

(1) the ivory carvings were made from tusks of elephant (Elephantidae);

(2) the defendant sold and offered to sell numerous ivory carvings at defendant PRIMITIVE ART WORKS; and

(3) the defendant sold and offered to sell numerous products made from wildlife at defendant PRIMITIVE ART WORKS;

In violation of Title 18, United States Code, Section 1001.

COUNT THIRTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. On or about April 21, 2003, the defendant CLAUDIA ASHLEIGH-MORGAN arrived at O'Hare International Airport, aboard United Airlines Flight 850 originating in Beijing, China, at which point she was interviewed by inspectors of the United States Bureau of Customs and Border Protection.

2. On or about April 21, 2003, at Chicago, in the Northern District of Illinois, Eastern Division,

CLAUDIA ASHLEIGH-MORGAN,

defendant herein, knowingly and willfully did make, and caused to be made, materially false, fictitious and fraudulent statements and representations in a matter within the jurisdiction of the United States Bureau of Customs and Border Protection, an agency of the executive branch of the government of the United States, specifically:

(1) the defendant falsely stated to Customs inspectors that a comb she had in her luggage was made of plastic;

(2) the defendant falsely stated to Customs inspectors that the ivory toggles and ivory mask pendant she had in her luggage were made from bone;

(3) the defendant falsely stated to Customs inspectors that wildlife items were not sold at defendant PRIMITIVE ART WORKS;

when in truth and fact, as the defendant then well knew,

(1) the comb was made from sea turtle (*Eretmochelys imbricata*);

(2) the toggles and mask pendant were made from the ivory tusks of elephant (*Elephantidae*) and hippopotamus (*Hippopotamus amphibius*); and

(3) numerous items made from wildlife were sold or offered for sale at defendant PRIMITIVE ART WORKS;

In violation of Title 18, United States Code, Section 1001.

COUNT FOURTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 21, 2003, at Chicago, in the Northern
District of Illinois, Eastern Division,

CLAUDIA ASHLEIGH-MORGAN,

defendant herein, did knowingly enter and introduce, into the
commerce of the United States any imported merchandise, namely,
wildlife, by means of fraudulent or false paper or by means of
false statement, written or verbal, namely, falsely stating on a
Customs Form 6059, Customs Declaration that she was not importing
any animals or animal/wildlife products, without reasonable cause
to believe the truth of such statement,

In violation of Title 18, United States Code, Section 542.

COUNT FIFTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 21, 2003, at Chicago, in the Northern
District of Illinois, Eastern Division,

GLEN JOFFE,

defendant herein, did knowingly enter and introduce into the
commerce of the United States any imported merchandise, namely,
wildlife, by means of fraudulent or false paper or by means of
false statement, written or verbal, namely, falsely stating on a
Customs Form 6059, Customs Declaration that he was not importing
any animals or animal/wildlife products, without reasonable cause
to believe the truth of such statement,

In violation of Title 18, United States Code, Section 542.

COUNT SIXTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 24, 2003, at Oak Brook, within the
Northern District of Illinois,

GLEN JOFFE, and
CLAUDIA ASHLEIGH-MORGAN

defendants herein, without being permitted to do so by any
regulation made, adopted and approved under the authority of the
Migratory Bird Treaty Act of July 3, 1918, as amended, did
possess parts of a migratory bird, to-wit: a large feathered mask
comprised of the tail feathers of a Scarlet Macaw (*Ara macao*),
Blue-And-Yellow Macaw (*Ara ararauna*), Hyacinth Macaw
(*Anodorhynchus hyacinthinus*), contour feathers of Scarlet Macaw,
unidentified parrot (*Psittacidae*), and the flight feathers of
Crested Caracara (*Caracara plancus*), a migratory bird;

In violation of 16 U.S.C. Section 703 and Section 707(a).

COUNT SEVENTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

On or about April 24, 2003, at Chicago, within the Northern District of Illinois,

GLEN JOFFE, and
PRIMITIVE ART WORKS

defendants herein, without being permitted to do so by any regulation made, adopted and approved under the authority of the Migratory Bird Treaty Act of July 3, 1918, as amended, did knowingly offer for sale parts of migratory birds, to-wit:

(1) a feathered headband comprised of the feathers of Scarlet Macaw (*Ara macao*), Amazonian Razor-Billed Curassow (*Mitu tuberosa*), and Roseate Spoonbill (*Platalea ajaja*), a migratory bird, which headband was identified by Primitive Art Works inventory number A455-698 and priced at \$225;

(2) a feathered headdress comprised of the feathers of Orange-Winged Parrot (*Amazona amazonica*), Scarlet Macaw (*Ara Macao*), unidentified hawk/eagle (*Accipitridae*), unidentified parrot (*Psittacidae*), and Jabiru (*Jabiru mycteria*), a migratory bird, which headdress was displayed in a plastic frame, approximately 51 inches wide by 51 inches tall, further identified by Primitive Art Works inventory number A010613-210 and priced at \$6,500;

(3) a feathered headdress comprised of the feathers of a Jabiru (*Jabiru mycteria*), unspecified parrot (*Psittacidae*),

and Roseate Spoonbill (*Platalea ajaja*) a migratory bird, which headdress was displayed in a plastic frame, approximately 56 inches wide by 47 inches high, further identified by Primitive Art Works inventory identifier "aheto amazon 2950" and priced at \$2,950;

(4) a feathered headdress comprised of the tail feathers of Scarlet Macaw (*Ara macao*), Blue-And-Yellow Macaw (*Ara ararauna*), Red-And-Green Macaw (*Ara chloroptera*), and contour feathers of Great Egret (*Ardea alba*) a migratory bird, which headdress was displayed in a plastic frame, approximately 51 inches wide by 60 inches high, further identified by Primitive Art Works inventory number A010612-436 and priced at \$4,500;

(5) a mural known as a "chacana" made with the feathers of Scarlet Macaw (*Ara macao*), Blue-And-Yellow Macaw (*Ara Ararauna*), and Roseate Spoonbill (*Platalea Ajaja*), a migratory bird, which mural was displayed in a plastic frame approximately 24 inches wide by 8 inches high, further identified by Primitive Art Works inventory number A021201-272 and priced at \$8,500;

(6) a mural known as a "chacana" made with the feathers of Scarlet Macaw (*Ara macao*), Blue-And-Yellow Macaw (*Ara ararauna*), and Roseate Spoonbill (*Platalea ajaja*), a migratory bird, which mural was displayed in a plastic frame approximately 24 inches wide by 8 inches high, and

identified by Primitive Art Works inventory number A010612-524 and priced at \$5,900;

(7) a crafted item with feathers of Scarlet Macaw (*Ara macao*) and Wood Stork (*Mycteria americana*), a migratory bird, which item was identified by Primitive Art Works inventory number A010612-453 and priced at \$1,495; and

(8) a feathered headdress comprised of the feathers of Blue-And-Yellow Macaw (*Ara ararauna*), and either Snowy Egret (*Egretta thula*) or Cattle Egret (*Bubulcus ibis*), both migratory birds, which headdress was identified by Primitive Art Works inventory number A010612-359 priced as \$1495;

In violation of 16 U.S.C. Section 703 and Section 707(b)(2).

COUNT EIGHTEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. At all times material to this Indictment:

a. Title 31, United States Code, Section 5313(a) and Title 31, Code of Federal Regulations, Section 103.22(b)(1), required a domestic financial institution to prepare and file with the Internal Revenue Service a Currency Transaction Report (Form 4789) for any transaction involving currency of more than \$10,000.

b. Information reported on Forms 4789 included the names and addresses of the persons conducting the transactions and the individuals or entities on whose behalf the transactions were made.

c. Cosmopolitan Bank, located at 801 North Clark Street, Chicago, Illinois, was a domestic financial institution subject to the Currency Transaction Reporting requirements described in the preceding paragraph.

2. In or about August 22, 2001 through in or about August 24, 2001, at Chicago, in the Northern District of Illinois, Eastern Division,

GLEN JOFFE,

defendant herein, did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and Title 31, Code of Federal Regulations,

Section 103.22(a)(1), caused and attempted to cause a domestic financial institution to fail to file a report required under these statutory and regulatory provisions by withdrawing \$27,500 in cash, which he did in fact obtain, by causing a Cosmopolitan Bank employee to issue the following amounts in a manner described below so that the cash withdrawal and the transactions would not be reported:

<u>Number</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>
10039	August 22, 2001	\$9,000	Cash
10050	August 23, 2001	\$9,000	Cash/Glen Joffe
10065	August 24, 2001	\$9,500	Glen Joffe

In violation of Title 31, United States Code, Section 5324(a)(3) and Title 18, United States Code, Section 2.

COUNT NINETEEN

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. Paragraph One of Count EIGHTEEN of this Indictment is realleged and incorporated herein by reference as if set forth in its entirety.

2. In or about December 18, 2001 through in or about December 21, 2001, at Chicago, in the Northern District of Illinois, Eastern Division,

GLEN JOFFE,

defendant herein, did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and Title 31, Code of Federal Regulations, Section 103.22(a)(1), caused and attempted to cause a domestic financial institution to fail to file a report required under these statutory and regulatory provisions by withdrawing \$44,700 in cash and travelers checks, which he did in fact obtain, by causing a Cosmopolitan Bank employee to issue the following amounts in a manner described below so that the cash withdrawal and the transactions would not be reported:

<u>Number</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>
10426	December 18, 2001	\$9,900	Glen Joffe
10427	December 19, 2001	\$9,900	Glen Joffe
10431	December 20, 2001	\$9,900	Glen Joffe
10433	December 21, 2001	\$5,000	Glen Joffe

N/A	December 21, 2001	\$5,000	Traveler checks
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N/A	December 21, 2001	\$5,000	Traveler checks
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In violation of Title 31, United States Code, Section
5324(a)(3) and Title 18, United States Code, Section 2.

COUNT TWENTY

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. Paragraph One of Count Eighteen of this Indictment is realleged and incorporated herein by reference as if set forth in its entirety.

2. In or about March 25, 2003 through in or about March 28, 2003, at Chicago, in the Northern District of Illinois, Eastern Division,

GLEN JOFFE,

defendant herein, did knowingly and for the purpose of evading the reporting requirements of Title 31, United States Code, Section 5313(a) and Title 31, Code of Federal Regulations, Section 103.22(a)(1), caused and attempted to cause a domestic financial institution to fail to file a report required under these statutory and regulatory provisions by withdrawing \$29,850 in cash, which he did in fact obtain, by causing a Cosmopolitan Bank employee to issue the following amounts in a manner described below so that the cash withdrawal and the transactions would not be reported:

<u>Number</u>	<u>Date</u> _____	<u>Amount</u>	<u>Payee</u>
12302	March 25, 2001	\$9,950	Cash
12304	March 26, 2001	\$9,950	Glen Joffe
12339	March 28, 2001	\$9,950	Glen Joffe

In violation of Title 31, United States Code, Section
5324(a)(3) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION ONE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates the allegations of Counts One and Four through Eleven herein for the purpose of alleging forfeiture to the United States pursuant to Title 18, United States Code, Section 545 and Title 28, United States Code, Section 2461.

2. As the result of committing one or more offenses that Counts One and Four through Eleven of this Indictment allege,

GLEN JOFFE,
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defendants herein, shall forfeit to the United States pursuant to Title 18, United States Code, Section 545 and Title 28, United States Code, Section 2461, all property including merchandise introduced into the United States in violation of Title 18, United States Code, Section 545.

The interests of the defendants, jointly and severally subject to forfeiture include but are not limited to:

(a) items composed of wildlife and migratory birds, and parts thereof, seized from the residence of defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN:

(b) items composed of wildlife and migratory birds, and parts thereof, seized from the premises of defendant PRIMITIVE ART WORKS:

(c) items composed of wildlife and migratory birds,
and parts thereof, seized from a warehouse located at
1200 West 35th Street in Chicago, Illinois:

All pursuant to Title 18, Section 545 and Title 28, United
States Code, Section 2461.

FORFEITURE ALLEGATION TWO

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates the allegations of Counts Two and Three herein for the purpose of alleging forfeiture to the United States pursuant to Title 16, United States Code, Sections 1538 and 1540(e)(4).

2. As the result of committing one or more offenses that Counts Two and Three of this Indictment allege,

GLEN JOFFE, and
PRIMITIVE ART WORKS

defendants herein, shall forfeit to the United States pursuant to Title 16, United States Code, Sections 1538 and 1540(e)(4), all property including wildlife taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to Title 16, United States Code, Section 1538.

The interests of the defendants, jointly and severally subject to forfeiture include but are not limited to:

(a) items composed of wildlife, and parts thereof, seized from the residence of defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN:

(b) items composed of wildlife, and parts thereof, seized from the premises of defendant PRIMITIVE ART WORKS:

(c) items composed of wildlife, and parts thereof,
seized from a warehouse located at 1200 West 35th
Street in Chicago, Illinois:

All pursuant to Title 16, United States Code, Sections 1538
and 1540(e) (4) .

FORFEITURE ALLEGATION THREE

The SPECIAL FEBRUARY 2005-1 GRAND JURY further charges:

1. The Grand Jury realleges and incorporates the allegations of Counts Sixteen and Seventeen herein for the purpose of alleging forfeiture to the United States pursuant to Title 16, United States Code, Sections 706.

2. As the result of committing one or more offenses that Counts Sixteen and Seventeen of this Indictment allege,

GLEN JOFFE,
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PRIMITIVE ART WORKS

defendants herein, shall forfeit to the United States pursuant to Title 16, United States Code, Sections 706 and 707, all property including birds, or parts, nests or eggs thereof, taken, sold or offered for sale, bartered, or offered for barter, purchased, shipped, transported, carried, imported, exported and possessed contrary to Title 16, United States Code, Sections 706 and 707.

The interests of the defendants, jointly and severally subject to forfeiture include but are not limited to:

(a) items composed of migratory birds, and parts thereof, seized from the residence of defendants GLEN JOFFE and CLAUDIA ASHLEIGH-MORGAN:

(b) items composed of migratory birds, and parts thereof, seized from the premises of defendant PRIMITIVE ART WORKS:

(c) items composed of migratory birds, and parts thereof, seized from a warehouse located at 1200 West 35th Street in Chicago, Illinois:

All pursuant to Title 16, United States Code, Sections 706 and 707.

A TRUE BILL:

F O R E P E R S O N

UNITED STATES ATTORNEY